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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,644	11/01/2001	Jean-Louis Bessereau	1321.2.28.1	7271

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SALT LAKE CITY, UT 84110

EXAMINER

PRIEBE, SCOTT DAVID

ART UNIT PAPER NUMBER

1632

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/980, 644

EXAMINER

Priebe

ART UNIT

PAPER

1632

20050602

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below.

- 1) The application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). An initial paper copy of the "Sequence Listing" must be submitted, as well as an amendment directing its entry into the specification.
- 2) A copy of the "Sequence Listing" in computer readable form (CRF) has not been submitted as required by 37 CFR 1.821(e). An initial CRF of the 'Sequence Listing' must be submitted.
- 3) Applicant must submit a statement that the content of the initial paper copy and the substitute CRF are the same, and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 37 CFR 1.821(f), 37 CFR 1.821(g), 37 CFR 1.825(b), or 37 CFR 1.825(d).
- 4) The specification and drawings include numerous nucleotide and amino acid sequences that have not been identified by an assigned SEQ ID NOs as required by 37 CFR 1.821(d). For example, see page 32, lines 20-32, and Figures 5A and 7C. Sequences such as the two nucleotide sequences shown on page 32, line 21, the three amino acid sequences shown in the first line of Fig. 5A, or the two nucleotide sequences shown in the first line of Fig. 7C (labeled oxTi1) that are disclosed as being two or three parts of a single polynucleotide or amino acid sequence should each be assigned different SEQ ID NOs. Sequences disclosed in a figure may be identified by their assigned SEQ ID NO in the "Brief Description" of that figure, as was done for Fig. 4.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825, failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g), and with 37 CFR 1.121, as set forth on the attached PTOL-324. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned.

Scott D. Priebe, Ph.D.
Primary Examiner
Art Unit: 1632

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/980,644

Examiner

Scott D. Priebe, Ph.D.

Applicant(s)

BESSEREAU ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 March 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

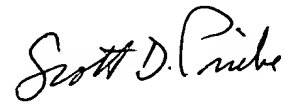
Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: New claims must be presented with clean text, i.e. no markings, 37 CFR 1.121(c)(3). See claim 146.

In addition to complying with the requirement set forth on this form, Applicant is also required to comply with 37 CFR 1.821-1.825 as set forth on the attached PTO-90C. Failure to comply with both requirements will be considered non-responsive.



SCOTT D. PRIEBE, PH.D
PRIMARY EXAMINER